IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO. 8978 OF 2003

Somvva Mahadev Venkatapure ... Petitioner

Vs.

Shakuntala Sureshrao @
Surendra Dhupdale & anr. ... Respondents

Mr. P.D. Dalvi for Petitioner.

None for Respondents.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 11, 2005

P.C.

. Application for amendment was granted. It appears that however the amendment was not carried out. The decree for possession was passed in appeal preferred by the petitioners. They raised objection that relief could not have been granted. The Respondents once again applied for amendment and that has been granted. To my mind, as earlier application was granted and it appears that due to inadvertence amendment was not carried out, the order by the appellate court cannot be said to be an order in excess of jurisdiction. In the light of that no interference is called for Petition rejected.

s

(F.I. REBELLO,J.)